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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 666th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 4 October 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Islamic Federal Republic of the Comoros (continued)
(CRC/C/28/Add.13; CRC/C/Q/COM/1 (list of issues))

1. At the invitation of the Chairperson, the members of the Comorian delegation took places at the Committee table.

2. Mr. FULCI said he wished to return to the question of acts of violence perpetrated against children. The Criminal Code stipulated that the family of a child whose corporal integrity had been violated could sue for compensatory damages. He wondered whether the payment of such compensation would cancel the crime, since that would be tantamount to condoning it.

3. The State party had declared that there was no need for alternative care structures, as the number of abandoned children was very low. However, it appeared that the family environment was not as strong as it had previously been and that there was an increasing number of street children performing various jobs that bordered on the illegal. He would like to know what steps the Government was taking to deal with that phenomenon. In addition, poverty forced children to work as domestic servants from as young as the age of seven in exchange for food and shelter. Could the delegation provide further information on that subject?

4. What had been the repercussions for the basic health and welfare of children on Anjouan of the withdrawal in 1998 of the medical staff of the United Nations Development Programme (UNDP), including the gynaecologist, the surgeon and the head of health services of that island?

5. Mr. DOEK asked whether the Government had taken steps to reduce the high maternal mortality rate, in particular by conducting awareness campaigns to encourage women to seek antenatal and perinatal care. In that connection, he would like to know whether the Government was encouraging the population to use contraceptives, and whether it was facilitating access to reproductive health services. Did it take into account the needs of adolescents in that regard?

6. Only 40 per cent of urban areas and 15 per cent of rural areas had adequate sanitation services. With the rapid growth in population and the consequent increased demand for drinking water, what steps was the Government taking?

7. The Comoros had a low school enrolment rate and he would like to know what percentage of children completed their primary school studies? Furthermore, some 35 per cent of Comorians were illiterate, a fact that reflected poorly on the quality of teaching in the country. While teachers were often underqualified, the real problem was one of lack of motivation due to their low pay. Was it true that teachers' salaries were ridiculously low and were sometimes several months in arrears?

8. As the Comoros had no juvenile justice system, it would be useful to know what general policy was followed in the case of young offenders, and whether they were sentenced to terms of imprisonment or whether alternative sentences were handed down to avoid thrusting them into the prison environment?

9. Ms. RILANTONO asked whether the Government had adopted measures against malaria, which was seriously affecting the country.

10. Recalling that, under the terms of the Convention, indigenous children and those from ethnic minorities could not be deprived of the right to practice their religion, she asked whether there were as many of the so-called modern schools as Koranic schools and which type of education parents preferred. Did the Koranic schools prepare children for the social and economic reality of the country? Did the State monitor such schools and evaluate the quality of the education they dispensed?

11. Ms. MOKHUANE, noting the high drop-out rate especially at the secondary level, asked what happened to children between the ages of 14 and 17, as schooling was compulsory up to the age of 14 only.

12. She wished to know whether the Comoros had set up a programme to train local health personnel to replace the foreign health staff who had left the country in 1998. Had the Government implemented a public health policy to address the sanitary problems connected with the overpopulation of the urban areas and to control cholera? If so, had those policies been effective? The Comoros collaborated with international organizations to control HIV/AIDS and sexually transmitted diseases. Had the country established specialized services to care for HIV-positive children and those suffering from AIDS? Malnutrition was also a major problem in the country: 44 per cent of children suffered from chronic growth retardation. Had any steps been taken to improve that situation?

13. Ms. TIGERSTEDT-TÄHTELÄ, noting that intensive land use had had serious repercussions on the environment, including soil impoverishment, erosion, water course diversion and the risk of extinction of animal and plant species, said she would like to know whether the Comoros had developed any environmental protection programmes.

14. The CHAIRPERSON asked what procedures had been followed in preparing the initial report. More specifically, she would like to know whether the authors of the report had consulted the non-governmental organizations (NGOs) present in the country.

15. Did children participate in taking decisions which concerned them in schools, and were they represented on school disciplinary committees and governing boards?

16. According to the State party, in matters of environmental protection, legal measures and enforcement were merely a palliative and it was necessary to raise the population's awareness of the risks resulting from a failure to look after national assets. Had it taken steps to raise people's awareness, especially young people's, of those matters so as to encourage them to play a more active part in protecting the environment? Were there any programmes to improve living conditions in respect of housing, water and sanitation?

17. Lastly, polygamy and marital instability had strained the family environment. There had been reports of a number of runaway young children who were apparently fleeing family problems. What was being done to resolve that situation?

18. Mr. DJAFFAR (Comoros) said that the report had been drawn up in 1996 by a diplomat who had lived abroad for many years. NGOs and civil society had taken no part in the drafting of the report, which failed to address some important problems. Because of the weight of tradition and religion, persons responsible for certain violations of rights were not brought to justice. Many people were trying to change that situation by refusing to join in the conspiracy of silence. Financial compensation in the event of rape, for example, was a widespread practice. Very often, parents did not lodge a complaint unless it was impossible to come to an arrangement at the family or community level. That was a hard fact to admit, but it was one which would not change unless the problem was squarely addressed.

19. The rate of juvenile delinquency was indeed quite low. Comorian society was plagued with many other problems, including the country's chronic instability and its financial and economic difficulties, but it was partially spared that phenomenon thanks above all to the very strong influence that parents exercised upon their children. Crime was uncommon and, even with respect to adults, criminal prosecutions were rare. Sentences handed down for children were generally light. There was just one prison, which was dilapidated and did not have a separate wing for minors. Judges consequently did their best to avoid incarcerating young people. In practice, that amounted to leaving them to their own devices, as there was no probation system or rehabilitation mechanism. Several proposals had been made to the Ministry of Justice by judges of the courts of first instance, all of whom had been trained in France and were aware of the problem of child protection. For example, a project to set up a "social integration house" for young people had begun, and the Ministry was currently studying, with support from the United Nations Children's Fund (UNICEF), the possibility of creating the post of children's judge. Furthermore, Islamic teaching was widespread in the Comoros, including in modern schools, although it did not form part of a Government programme.

20. Polygamy was still practised, although it had been declining for the past 20 years because of a change in mentality and also for material reasons, as most men did not have the financial means to support more than one woman. It would, of course, be impossible to ban polygamy overnight. On the other hand, the Family Code bill provided that any man who wished to marry a second wife must ask permission to do so from his first wife. The adoption of that text, which was vital to the modernization of Comorian society, should make it possible to do something about the problem of marital instability.

21. Ms. TOYB (Comoros) explained that the impact of the withdrawal of the UNDP personnel on the health system had been minimal as compared with the extent of the problems in the health field. Many Comorian doctors were currently unemployed owing to the country's economic and financial situation. Some progress had despite everything been made at the health district level with the training of paramedical staff. Health coverage of women of childbearing age and of mothers and their children was also improving. Programmes had been implemented in that area with the support of the United Nations Population Fund (UNFPA), UNDP and the World Health Organization (WHO). Women were currently informed of contraceptive methods, all of which were used and were free of charge. An extensive awareness campaign had also been

conducted with the help of the religious authorities, and it had made it possible to modify behaviour, especially among husbands. Community organizations too were being mobilized, such as the Comorian Family Welfare Association, which had opened community centres where young people could view films and receive information on reproductive health. The Society for Women and AIDS in Africa (SWAA) was particularly active in the campaign against AIDS. There was also a national programme, but its implementation had been hampered by the reluctance of persons with AIDS to make themselves known. They rarely went to the health centres, which were able to distribute certain drugs provided by WHO. Their families, by maintaining silence, helped to make their isolation worse.

22. In the context of the anti-malarial programme implemented with the support of WHO, brochures were distributed in youth hostels and in schools. One of the programme's objectives was to promote the use of mosquito netting and its impregnation with deltamethrin. In addition, any person with a temperature of over 38.5 degrees was entitled to free screening with a view to obtaining subsequent chloroquine treatment. As for cholera, the epidemic of the past few years had soon been brought under control, but it remained an endemic illness. Another major public health problem was malnutrition, which affected amost the entire population. As a result of soil exhaustion and insecure agricultural conditions, the Comoros were far from being self-sufficient in food. Surprisingly, there was even a shortage of fish, as fishermen lacked the necessary equipment to do their work properly. There had been various projects to remedy that situation, but it had not been possible to implement them for lack of financial and administrative resources. The Government, WHO and the Food and Agriculture Organization of the United Nations (FAO) had recently begun to set up a food self-sufficiency programme.

23. The shortcomings of the educational system were largely due to the socio-economic situation of the teachers, who were properly trained, but whose salaries had fallen so far in arrears that many of them refused to work. In the past four years, 20 monthly salaries had not been paid. The start of the new school year was itself in jeopardy, as teachers were still awaiting the payment of the six months' arrears of their salaries for the academic year 1999/2000. There had already been cases of courses not being guaranteed for an entire school year.

24. The Koranic schools outnumbered the modern schools, and some families were still reluctant to send their children to the latter. The population was very much in favour of the Koranic schools, and all children had access to them. The Government had therefore decided to introduce literacy classes into them and to encourage modernization, thanks in particular to the arrival of teachers of subjects other than religion and Arabic. Through Arab-Islamic NGOs active in the Comoros, students could subsequently be sent to certain Arab countries such as Egypt, Saudi Arabia, the Sudan or Kuwait for university studies. Of late, such studies could include courses in science, technology and the arts.

25. There were very many environmental problems, especially linked to deforestation. Some public awareness activities had begun, and a programme to protect the coastal area had just been initiated by the Indian Ocean Community. The absence of any public housing created a dangerous situation in that most families were still living in straw huts which had no resistance to fire and to bad weather. To date, no steps had been taken to improve general housing safety. Furthermore, much of the country still lacked a water supply. Efforts had been made, particularly by environmental protection associations, to mobilize communities with a view to

improving sanitation and domestic refuse management. However, refuse collection was still patchy and hygiene problems persisted. Unfortunately, the issues of housing, water supply and waste management had not yet been addressed by the Government.

26. The CHAIRPERSON said that she would like further details of the treatment of juvenile delinquents. She was doubtful whether the provisions of the new Family Code would constitute the best way of eliminating polygamy, since the first wife's refusal might not constitute a sufficient obstacle. She would also like to know the situation of children born out of wedlock and that of single mothers. In addition, it would be useful to know to what extent adolescents were taken into account in reproductive health programmes, which seemed to be targeted mainly at adults.

27. Mr. DJAFFAR (Comoros) said that, as far as possible, judges tried not to impose custodial sentences on minors, since they knew that they would not be segregated from adult prisoners. In the absence of genuine alternative sentences, judges tried to call upon the services of the parents, so as to make them understand the causes of their children's behaviour and look for solutions.

28. Ms. TOYB (Comoros) said that a Family Welfare Association advised young people about contraception methods, and that the Minister of Education, who also presided over the national association of women's organizations, had plans to incorporate a sexual and reproductive health course into the school curricula, an initiative that had been endorsed by the NGOs. In some schools, children could make their voices heard by participating in staff meetings and disciplinary committees

29. Mr. DOEK asked what exactly was meant by the children's circles. Were there any provisions in Comorian law to safeguard the child's right to be heard in legal proceedings and what were the essential preconditions for the exercise of that right? How did the police deal with juvenile delinquents? Had police officers been trained to respect the rights of the child in the performance of their duties? How long could a person be held in policy custody?

30. Given the low school attendance ratio, it would be useful to know whether out-of-school children worked and, if so, in what sector of the economy. He would also like to know whether the State party was conscious of the problem of child labour, and whether it intended to ratify the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

31. Ms. MOKHUANE said that she wished to know what the school drop-out rate was and what happened to the children concerned. At what age was the consumption of alcohol permitted and what was being done to prevent children from buying alcohol? What was the situation of disabled children and what steps were taken to integrate them into society?

32. It was unfortunate that neither the report nor the written replies contained any information about measures to assist adolescents. A child's psychological and social development was no less important than the amount of food he or she needed to survive. More information should be provided on adolescent needs and the treatments available for mental disorders.

33. Ms. RILANTONO said that she was disappointed that there was no expert on education in the delegation. The State party should ensure that the Koranic schools provided the same standard of education as the so-called modern schools.

34. Ms. TOYB (Comoros) said that neither the parents nor the Government underestimated the importance of education, and that the main cause of dropping out from school was the lack of resources. Parents who had some wealth did not hesitate to make sacrifices in order to send their children to private schools. Boys who dropped out of school worked in the fields, while girls helped their mothers with the housework or were married off, which explained the high proportion of early marriages. Other children who dropped out of school were left to their own devices, thus heightening the risk of juvenile delinquency. The health sector was in better shape than the education sector because the Comoros were receiving aid from WHO and UNICEF.

35. The consumption of alcohol was, in principle, forbidden at any age and, although some young people ignored the ban, alcoholism in that age group was not yet a major problem. The only measure that had been adopted to combat drug addiction was the establishment of an anti-drugs squad.

36. Mr. DJAFFAR (Comoros) said that training for the police was inadequate, in contrast to the gendarmerie, which was trained by instructors from France. Accordingly, the judiciary had endeavoured to raise awareness among the police by, for instance, having notices posted up in police stations banning the use of torture. A person could be detained for up to 24 hours in police custody, and only the Government Procurator could authorize an extension up to 48 hours. In Moroni and on the island of Mohéli, a round-the-clock telephone link had been set up, thus enabling the Government Procurator to be notified at any time when a person was taken into police custody. At the National Armed Forces School, the future officers of the judicial police were taught to protect minors in custody. Despite such awareness-raising measures, there had nevertheless been some cases of ill-treatment by police officers, but those responsible had been prosecuted.

37. Although alcohol was banned by law, it was readily obtainable anywhere and alcoholism among young people was a potentially serious problem. Hitherto, the only drug-related cases to come before the courts had involved trafficking in and consumption of cannabis.

38. The question of personal status was covered by Islamic law, but Islamic law was silent on the matter of children born out of wedlock. The birth of an illegitimate child brought shame on a family, and recourse was sometimes had therefore to backstreet abortions. It often happened that children born out of wedlock took the name of their maternal uncle, but such a solution was simply a makeshift one and legislation was needed to plug that gap in the law. As for the definition of the child, childhood ended at puberty under Islamic law; in the Civil Code and the Family Code bill, the age of majority was 18.

39. UNICEF was currently working with the Government to evaluate the extent of child labour. On the basis of the findings of that study, the Government would take the necessary steps to resolve the problem, which was getting worse because more and more children who had

obviously dropped out of school could be seen selling things in the street. There were currently no structures in existence to care for handicapped and psychologically disturbed children, and the Government accordingly needed to address that issue.

40. Mr. DOEK asked what the Government was doing to help resettle the children recruited by guerrilla movements on Anjouan after they had been demobilized, and whether it was true that child prostitution was starting to develop in the Comoros.

41. Mr. FULCI said that, according to UNICEF, separatist groups on Anjouan were still recruiting children aged between 13 and 16, and had no qualms about drugging them for that purpose.

42. On the question of child labour, the Government should not content itself with a wait-and-see attitude, but should adopt urgent measures such as ensuring compliance with the relevant provisions of the Labour Code, particularly those that prohibited the employment of children under 15 years of age, and ratifying ILO Conventions No. 138 and 182.

43. The CHAIRPERSON asked whether the Comoros received outside aid, in the context of bilateral cooperation, to address its economic and financial problems, and whether the State experienced difficulties in paying the salaries of its civil servants. It would also be useful to know whether the new Family Code contained provisions concerning children born out of wedlock.

44. Ms. TOYB (Comoros) said that, for the time being, the Government had no control of events in Anjouan, owing inter alia to the embargo imposed by the Organization of African Unity (OAU). It was to be hoped that negotiations with the separatists would make it possible to do something about the plight of the children recruited by the rebel groups.

45. A recent study had shown that children were not affected by prostitution, but that young single or divorced mothers did prostitute themselves to provide for their children. It should be remembered that many girls were married young and without their consent; a high proportion of them subsequently divorced and found themselves with children to bring up.

46. Mr. DJAFFAR (Comoros) said that meetings and information campaigns had been organized to raise awareness among families and children of the problem of child labour. In addition, a labour court had just been established in Moroni. His delegation would transmit to the Government the Committee's recommendations concerning the ratification of the two ILO Conventions and the need to ensure compliance with the provisions of the Labour Code.

47. The bulk of State income stemmed from customs duties and taxes; when those sources of revenue dried up it was very hard to pay civil servants their salaries. As for aid from abroad, it should be mentioned that Comorians living in Europe, mainly in France, provided generous assistance to their families back home and contributed to the cost of building schools, libraries and roads.

48. The CHAIRPERSON invited Mr. Doek to present the Committee's draft concluding observations.

49. Mr. DOEK said that the Comorian Government should adopt legislative, financial and other measures to improve the situation of children, especially working children, children born out of wedlock, handicapped children, and children in care.

50. The CHAIRPERSON thanked the delegation for the information it had provided, which had enabled the Committee to gain a clearer picture of the problems which the Comorian authorities faced in implementing the Convention. It was regrettable, however, that a number of questions had not been answered. The Committee urged the Comorian Government to adopt an integrated approach to applying the Convention, and hoped that the Comoros would make meaningful progress in realizing the rights of the child.

The meeting rose at 5.25 p.m.